

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
EASTERN DIVISION**

NIKOLAS JARED BRITTON,

Plaintiff,

vs.

CITY OF DUBUQUE,

Defendant.

No. 15-CV-1018-LRR

ORDER

The matter before the court is the City of Dubuque's ("City") "Motion for Scheduling or Planning Conference" ("Motion") (docket no. 23), which the City filed on January 26, 2016. In the Motion, the City requests that the court set a scheduling conference for the parties, stating that Britton has not responded to the City's request to complete a scheduling order and discovery plan as required by Local Rule 16. The court finds that a scheduling conference is unnecessary at this time. Accordingly, the court shall deny the Motion.

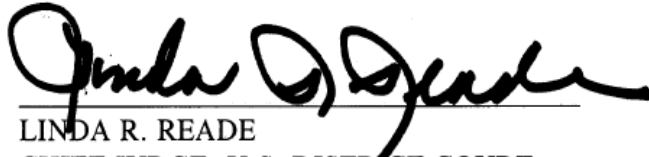
Local Rule 16 requires the parties to submit a scheduling order and discovery plan "[w]ithin 120 days after the filing of the complaint." LR 16(a). The Complaint in the instant action was filed on January 15, 2015 (docket no. 1), the case was transferred to this district on June 22, 2015 (docket no. 17) and the City filed an Answer on June 30, 2015 (docket no. 22). The parties have not filed a proposed scheduling order and discovery plan, and the City states that Britton has not responded to its attempt to confer. *See* Motion at 1. "The failure to submit timely a proposed scheduling order and discovery plan may result in dismissal of the case." LR 16(c). Therefore, the court orders Britton and the City to confer and **submit a joint proposed scheduling order and discovery plan within 30 days** of this order. If the parties do not submit a proposed scheduling order and discovery plan within 30 days, the Clerk of Court is directed to dismiss the action for

failure comply with the Local Rules and failure to comply with a court order. *See* LR 41(b)(4) (“After giving the parties the notice prescribed . . . , the Clerk of Court will . . . enter an order dismissing a civil action without prejudice . . . [w]here a deadline set for the performance of any act required by the Federal Rules of Civil Procedure, the Local Rules, or an order of the court has been exceeded by more than 30 days”); *see also* Fed. R. Civ. P. 41(b).

In light of the above, the Motion is **DENIED**.

IT IS SO ORDERED.

DATED this 29th day of January, 2016.



LINDA R. READE
CHIEF JUDGE, U.S. DISTRICT COURT
NORTHERN DISTRICT OF IOWA